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Paper No. 4

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**OCT 22 2001**

**OFFICE OF PETITIONS**

In re Application of	:	
Volkmar Heuer	:	DECISION GRANTING
Application No. 09/887,676	:	PETITION
Filed: January 23, 2001	:	
Attorney Docket No. 902.739-1	:	

This is a decision on the petition filed July 30, 2001, requesting that a Continued Prosecution Application (CPA) deposited January 23, 2001, based on prior application No. 09/150,150 be treated as an application under 37 CFR 1.53(b) and be accorded a filing date of January 23, 2001.

A request for a CPA based on prior application No. 09/150,150 was deposited on January 23, 2001. Fortunately, the CPA papers were not entered into the record of 09/150,150. The issue fee was paid in the prior application on January 22, 2001 and the prior application issued as Patent No. 6,236,660 on May 22, 2001. The present petition requests that the CPA request be treated as an application filed under 37 CFR 1.53(b).

The petition is granted.

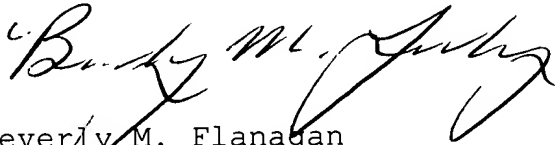
Office records will be corrected to show that the \$710.00 filing fee and the \$130.00 fee for suspension of prosecution paid on January 23, 2001, and the \$130.00 petition fee paid on July 30, 2001 have been applied in application No. 09/887,676, not in application No. 09/150,150.

The application is being forwarded to the Office of Initial Patent Examination for processing as an application under 37 CFR 1.53(b), not under 37 CFR 1.53(d), with a filing date of January 23, 2001, using the specification, drawings, and declaration filed on that date.<sup>1</sup>

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<sup>1</sup> The IDS and a copy of an assignment document, filed January 23, 2001, have also been placed in the file of the above-identified application.

Telephone inquiries specific to this matter should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy